

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:06-12-2005

WRIT PETITION No. 26099 OF 2005

BETWEEN:

C.Sanjeeva Kumar Reddy.

...Petitioner.

And

The Municipal Commissioner, Municipal Office, Nandyal, Kurnool
District.

...Respondent.

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the respondent in proposing to demolish the structures constructed by the petitioner, without following due process of law and orally

directing the workers to delish the structures if they obstruct while executing the draining canal work as arbitrary and illegal.

Heard the learned counsel appearing for the petitioner and the learned standing counsel for the respondent.

It is stated that the petitioner has purchased a house plot in an extent of 0.04 cents in Sy.No.398/C2 and 399/2B vide registered sale deed dated 28-12-2001. Later he filed an application before the respondent seeking permission for construction of the house and the respondent after conducting enquiry, granted permission vide proceedings dated 26-7-2002. Thereafter, the respondent wanted to construct a drainage canal in the street and in that process, he wanted to demolish the compound wall of the petitioner.

For construction of any drainage or widening the road, no portion of the land or structure of the petitioner can be taken without following the due process of law and without acquiring the land either by way of private negotiations or by initiating land acquisition proceedings in accordance with the relevant provisions Under sections 146 and 147 of the Municipal Corporation Act. Even if the petitioner encroaches the land of the Municipality, then also, it cannot demolish the compound wall or structures of the petitioner without issuing any notice.

Having regard to the facts and circumstances of the case, the respondent is directed not to demolish the compound wall or structures of the petitioner without following due process of law.

The writ petition is disposed of accordingly. No costs.

V.ESWARAIAH, J

Date: 06-12-2005.

Shr.

